



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3993

Introduced 5/20/2020, by Sen. William E. Brady

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-619 new  
20 ILCS 3305/7

from Ch. 127, par. 1057

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Requires the Department of Public Health to establish safe place of business protocols on or before May 30, 2020 to regulate businesses that reopen following the expiration of the specified executive orders or disaster proclamations. Sets forth requirements for the protocols. Provides that businesses that comply with the protocols may reopen and rehire staff at their discretion as soon as is practical. Provides that the provisions are repealed on January 1, 2021. Contains other provisions. Amends the Illinois Emergency Management Agency Act. Provides that after an initial proclamation declaring that a disaster exists, the Governor may only extend that declaration or make further proclamations regarding the same disaster if the General Assembly passes a resolution within 5 calendar days that approves the extension or further proclamation. Provides that if, due to health or safety concerns, the General Assembly is unable to convene in either regular or special session to approve the extension or further proclamation, the extension or further proclamation may continue in effect until the General Assembly is able to convene in regular or special session if specified members of the General Assembly submit written certification to the Governor that the General Assembly is unable to convene to provide the necessary approval of the extension or further proclamation. Effective immediately.

LRB101 21409 CPF 72043 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and  
5 Duties Law of the Civil Administrative Code of Illinois is  
6 amended by adding Section 2310-619 as follows:

7 (20 ILCS 2310/2310-619 new)

8 Sec. 2310-619. Safe place of business protocols.

9 (a) The General Assembly finds that, to facilitate the  
10 State's response to future medical emergencies, the State  
11 should adopt commonsense strategies such as allowing  
12 physicians licensed in other states to practice in Illinois and  
13 creating financial incentives to accelerate the implementation  
14 of telemedicine.

15 (b) In this Section:

16 "Protocol" or "protocols" means safe place of business  
17 protocols established by the Department under this Section.

18 "Region" means an Emergency Medical Services (EMS) Region  
19 designated by the Department under Section 3.15 of the  
20 Emergency Medical Services (EMS) Systems Act.

21 (c) The Department shall establish safe place of business  
22 protocols on or before May 30, 2020 to regulate reopening  
23 businesses that closed pursuant to Executive Order 2020-32 or

1 any preceding executive order or disaster proclamation issued  
2 during calendar year 2020. The protocols may vary by specific  
3 Region. The protocols for Regions with higher instances of  
4 COVID-19 diagnoses may have lower density thresholds and more  
5 frequent cleaning requirements, and protocols for Regions with  
6 fewer COVID-19 diagnoses may have less stringent requirements.  
7 The protocols shall include:

8 (1) customer density limits based on business  
9 facilities' square footage and appropriate social  
10 distancing;

11 (2) face covering requirements for employees; and

12 (3) regular cleaning regimens.

13 (d) The Department shall publish additional protocols for  
14 specific customer-facing businesses as necessary.

15 (e) A business that complies with the protocols may reopen  
16 and rehire staff at its discretion as soon as is practical.

17 (f) A hospital or other healthcare facility that abides by  
18 the protocols and is located in a Region with adequate  
19 intensive care unit capacity may offer the full spectrum of  
20 inpatient and outpatient care and treatment to its patients.  
21 The Department shall conduct a public information campaign to  
22 explain hospitals' and healthcare facilities' safety protocols  
23 and to urge patients not to put off any necessary care.

24 (g) A day care center, as that term is defined under  
25 Section 2.09 of the Child Care Act of 1969, may reopen or  
26 expand its capacity at its discretion and as soon as is

1 practical if it complies with the protocols.

2 (h) This Section is repealed on January 1, 2021.

3 Section 10. The Illinois Emergency Management Agency Act is  
4 amended by changing Section 7 as follows:

5 (20 ILCS 3305/7) (from Ch. 127, par. 1057)

6 Sec. 7. Emergency Powers of the Governor. In the event of a  
7 disaster, as defined in Section 4, the Governor may, by  
8 proclamation declare that a disaster exists. Upon such  
9 proclamation, the Governor shall have and may exercise for a  
10 period not to exceed 30 days the following emergency powers;  
11 provided, however, that the lapse of the emergency powers shall  
12 not, as regards any act or acts occurring or committed within  
13 the 30-day period, deprive any person, firm, corporation,  
14 political subdivision, or body politic of any right or rights  
15 to compensation or reimbursement which he, she, it, or they may  
16 have under the provisions of this Act:

17 (1) To suspend the provisions of any regulatory statute  
18 prescribing procedures for conduct of State business, or  
19 the orders, rules and regulations of any State agency, if  
20 strict compliance with the provisions of any statute,  
21 order, rule, or regulation would in any way prevent, hinder  
22 or delay necessary action, including emergency purchases,  
23 by the Illinois Emergency Management Agency, in coping with  
24 the disaster.

1           (2) To utilize all available resources of the State  
2 government as reasonably necessary to cope with the  
3 disaster and of each political subdivision of the State.

4           (3) To transfer the direction, personnel or functions  
5 of State departments and agencies or units thereof for the  
6 purpose of performing or facilitating disaster response  
7 and recovery programs.

8           (4) On behalf of this State to take possession of, and  
9 to acquire full title or a lesser specified interest in,  
10 any personal property as may be necessary to accomplish the  
11 objectives set forth in Section 2 of this Act, including:  
12 airplanes, automobiles, trucks, trailers, buses, and other  
13 vehicles; coal, oils, gasoline, and other fuels and means  
14 of propulsion; explosives, materials, equipment, and  
15 supplies; animals and livestock; feed and seed; food and  
16 provisions for humans and animals; clothing and bedding;  
17 and medicines and medical and surgical supplies; and to  
18 take possession of and for a limited period occupy and use  
19 any real estate necessary to accomplish those objectives;  
20 but only upon the undertaking by the State to pay just  
21 compensation therefor as in this Act provided, and then  
22 only under the following provisions:

23           a. The Governor, or the person or persons as the  
24 Governor may authorize so to do, may forthwith take  
25 possession of property for and on behalf of the State;  
26 provided, however, that the Governor or persons shall

1 simultaneously with the taking, deliver to the owner or  
2 his or her agent, if the identity of the owner or  
3 agency is known or readily ascertainable, a signed  
4 statement in writing, that shall include the name and  
5 address of the owner, the date and place of the taking,  
6 description of the property sufficient to identify it,  
7 a statement of interest in the property that is being  
8 so taken, and, if possible, a statement in writing,  
9 signed by the owner, setting forth the sum that he or  
10 she is willing to accept as just compensation for the  
11 property or use. Whether or not the owner or agent is  
12 known or readily ascertainable, a true copy of the  
13 statement shall promptly be filed by the Governor or  
14 the person with the Director, who shall keep the docket  
15 of the statements. In cases where the sum that the  
16 owner is willing to accept as just compensation is less  
17 than \$1,000, copies of the statements shall also be  
18 filed by the Director with, and shall be passed upon by  
19 an Emergency Management Claims Commission, consisting  
20 of 3 disinterested citizens who shall be appointed by  
21 the Governor, by and with the advice and consent of the  
22 Senate, within 20 days after the Governor's  
23 declaration of a disaster, and if the sum fixed by them  
24 as just compensation be less than \$1,000 and is  
25 accepted in writing by the owner, then the State  
26 Treasurer out of funds appropriated for these

1 purposes, shall, upon certification thereof by the  
2 Emergency Management Claims Commission, cause the sum  
3 so certified forthwith to be paid to the owner. The  
4 Emergency Management Claims Commission is hereby given  
5 the power to issue appropriate subpoenas and to  
6 administer oaths to witnesses and shall keep  
7 appropriate minutes and other records of its actions  
8 upon and the disposition made of all claims.

9 b. When the compensation to be paid for the taking  
10 or use of property or interest therein is not or cannot  
11 be determined and paid under item a of this paragraph  
12 (4), a petition in the name of The People of the State  
13 of Illinois shall be promptly filed by the Director,  
14 which filing may be enforced by mandamus, in the  
15 circuit court of the county where the property or any  
16 part thereof was located when initially taken or used  
17 under the provisions of this Act praying that the  
18 amount of compensation to be paid to the person or  
19 persons interested therein be fixed and determined.  
20 The petition shall include a description of the  
21 property that has been taken, shall state the physical  
22 condition of the property when taken, shall name as  
23 defendants all interested parties, shall set forth the  
24 sum of money estimated to be just compensation for the  
25 property or interest therein taken or used, and shall  
26 be signed by the Director. The litigation shall be

1 handled by the Attorney General for and on behalf of  
2 the State.

3 c. Just compensation for the taking or use of  
4 property or interest therein shall be promptly  
5 ascertained in proceedings and established by judgment  
6 against the State, that shall include, as part of the  
7 just compensation so awarded, interest at the rate of  
8 6% per annum on the fair market value of the property  
9 or interest therein from the date of the taking or use  
10 to the date of the judgment; and the court may order  
11 the payment of delinquent taxes and special  
12 assessments out of the amount so awarded as just  
13 compensation and may make any other orders with respect  
14 to encumbrances, rents, insurance, and other charges,  
15 if any, as shall be just and equitable.

16 (5) When required by the exigencies of the disaster, to  
17 sell, lend, rent, give, or distribute all or any part of  
18 property so or otherwise acquired to the inhabitants of  
19 this State, or to political subdivisions of this State, or,  
20 under the interstate mutual aid agreements or compacts as  
21 are entered into under the provisions of subparagraph (5)  
22 of paragraph (c) of Section 6 to other states, and to  
23 account for and transmit to the State Treasurer all funds,  
24 if any, received therefor.

25 (6) To recommend the evacuation of all or part of the  
26 population from any stricken or threatened area within the

1 State if the Governor deems this action necessary.

2 (7) To prescribe routes, modes of transportation, and  
3 destinations in connection with evacuation.

4 (8) To control ingress and egress to and from a  
5 disaster area, the movement of persons within the area, and  
6 the occupancy of premises therein.

7 (9) To suspend or limit the sale, dispensing, or  
8 transportation of alcoholic beverages, firearms,  
9 explosives, and combustibles.

10 (10) To make provision for the availability and use of  
11 temporary emergency housing.

12 (11) A proclamation of a disaster shall activate the  
13 State Emergency Operations Plan, and political subdivision  
14 emergency operations plans applicable to the political  
15 subdivision or area in question and be authority for the  
16 deployment and use of any forces that the plan or plans  
17 apply and for use or distribution of any supplies,  
18 equipment, and materials and facilities assembled,  
19 stockpiled or arranged to be made available under this Act  
20 or any other provision of law relating to disasters.

21 (12) Control, restrict, and regulate by rationing,  
22 freezing, use of quotas, prohibitions on shipments, price  
23 fixing, allocation or other means, the use, sale or  
24 distribution of food, feed, fuel, clothing and other  
25 commodities, materials, goods, or services; and perform  
26 and exercise any other functions, powers, and duties as may

1 be necessary to promote and secure the safety and  
2 protection of the civilian population.

3 (13) During the continuance of any disaster the  
4 Governor is commander-in-chief of the organized and  
5 unorganized militia and of all other forces available for  
6 emergency duty. To the greatest extent practicable, the  
7 Governor shall delegate or assign command authority to do  
8 so by orders issued at the time of the disaster.

9 (14) Prohibit increases in the prices of goods and  
10 services during a disaster.

11 (15) After the initial proclamation made under this  
12 Section declaring that a disaster exists, the Governor may  
13 only extend that declaration or make further proclamations  
14 regarding the same disaster if the General Assembly,  
15 convened in either regular or special session, passes a  
16 resolution that approves the extension or further  
17 proclamation in whole or in part. The resolution shall set  
18 forth the full text of the extension or further  
19 proclamation. If the General Assembly fails to pass the  
20 resolution within 5 calendar days after the extension or  
21 further proclamation, any such extension or further  
22 proclamation shall be null and void. Actions taken pursuant  
23 to any extension or further proclamation during the time  
24 between the issuance of the extension or further  
25 proclamation and either action by the General Assembly or  
26 the expiration of the 5-day deadline shall be valid.

1           If, due to health or safety concerns, the General  
2           Assembly is unable to convene in either regular or special  
3           session to approve the extension or further proclamation,  
4           the extension or further proclamation may continue in  
5           effect until the General Assembly is able to convene in  
6           regular or special session if the President of the Senate,  
7           the Speaker of the House of Representatives, the Minority  
8           Leader of the Senate, and the Minority Leader of the House  
9           of Representatives submit written certification to the  
10           Governor that the General Assembly is unable to convene to  
11           provide the necessary approval of the extension or further  
12           proclamation.

13           (Source: P.A. 100-863, eff. 8-14-18.)

14           Section 99. Effective date. This Act takes effect upon  
15           becoming law.